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7

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA, SOUTHERN DIVISION

10 ASHLEY O'NEIL, an individual

11 Plaintiff,

12 vs.

13 LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, A POLITICAL
14 SUBDIVISION OF
THE STATE OF NEVADA; COUNTY OF
15 CLARK, CLARK COUNTY DETENTION
CENTER, A POLITICAL SUBDIVISION
16 OF THE STATE OF NEVADA; SHERIFF
JOE LOMBARDO, INDIVIDUALLY AND
17 IN HIS CAPACITY AS SHERIFF OF THE
LAS VEGAS METROPOLITAN POLICE
18 DEPARTMENT; WELLPATH, LLC, A
FOREIGN CORPORATION,
19 DOE NURSE COCO, INDIVIDUALLY;
DOE OFFICERS 1 THROUGH 10,
20 INDIVIDUALLY; DOE NURSES 1
THROUGH 10, INDIVIDUALLY; ROE
21 CORPORATIONS 11 THROUGH 20;
AND ABC LIMITED LIABILITY
22 COMPANIES 21 THROUGH 30,
INCLUSIVE
23

24 Defendant.

Case No. 2:22-cv-00474-ART-BNW

**MOTION TO WITHDRAW AS COUNSEL
OF RECORD FOR DEFENDANT
WELLPATH, LLC.**

25
26 The law firm of LEWIS BRISBOIS BISGAARD & SMITH LLP hereby submits the
27 following Motion to Withdraw as Counsel of Record for Defendant WELLPATH, LLC.
28 pursuant to LR IA 11-6(b).

1 This Motion is made and based upon the points and authorities contained here, all
 2 papers and pleadings on file herein, the attached Declaration of S. Brent Vogel, Esq., and
 3 any oral argument to be heard by this Court at the time of hearing.

4 MEMORANDUM OF POINTS AND AUTHORITIES

5 I. INTRODUCTION

6 Wellpath previously retained the law firm of Lewis Brisbois Bisgaard and Smith
 7 LLP (hereinafter “LBBS”) to represent it in the instant action. See Declaration of S. Brent
 8 Vogel, Esq. attached hereto. This action was initiated by Plaintiff ASHLEY O’NEIL on
 9 December 22, 2021 (“Lawsuit”).

10 On November 11, 2024, Wellpath filed a bankruptcy petition before the United
 11 States Bankruptcy Court for the Southern District of Texas, thereby commencing case no.
 12 24-90533 pursuant to Chapter 11 of the United States Bankruptcy Code. This Court
 13 entered its Civil Order to Stay the Case until May 8, 2025, and on that date the bankruptcy
 14 case concluded. Wellpath was discharged from debt and judgments, and Plaintiff was
 15 enjoined from continuing this case against Wellpath. Since the closing of the bankruptcy,
 16 LBBS received communication from Wellpath instructing defense counsel to withdraw
 17 representation.

18 II. LEGAL ARGUMENT

19 LR IA 11-6(b) provides that no attorney may withdraw after appearing in a case
 20 except by leave of the court after notice has been served on the affected client and
 21 opposing counsel. Rule 1.16(b) of the Nevada Rules of Professional Conduct, declining
 22 or terminating representation, states that:

23 Except as stated in Paragraph (c), a lawyer may withdraw
 24 from representing a client if . . . (6) The representation will result in
 25 an unreasonable financial burden on the lawyer or has been rendered
 26 unreasonably difficult by the client; or (7) Other good cause for
 27 withdrawal exists.

28 N.R.P.C. 1.16.

Here, LBBS should be allowed to withdraw as counsel in this matter because

1 Wellpath terminated representation and good cause exists. There are no delays of trial or
2 another matter that would result by granting this motion as Plaintiff opted-out of the
3 bankruptcy agreement thereby allowing this case to continue against the individually
4 named defendants. In the event this motion is granted, the address and contact phone
5 number for Wellpath is as follows:

6 Wellpath, LLC.
7 1283 Murfreesboro Rd., Suite 500
8 Nashville, TN 37217
9 PH: (615) 258-8475

10 Based on the above, LBBS submits that it should be permitted to withdraw as
11 counsel in this matter.

12 **III. CONCLUSION**

13 Based upon the foregoing, LBBS respectfully requests that the Court grant its
14 Motion to withdraw as counsel of record for Wellpath in this matter.

15 June 20, 2025

16 LEWIS BRISBOIS BISGAARD & SMITH LLP

17 By /s/ S. Brent Vogel

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25 *Attorneys for Defendant Wellpath, LLC.*

26 IT IS SO ORDERED.
27 Dated: June 23, 2025

28 
Nancy J. Koppe
United States Magistrate Judge